

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

JUN 29 2012

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY Wdh DEPUTY

ANTONE LAMANDINGO KNOX

Petitioner,

vs.

JANNA MORGAN, Clinical
Coordinator, et al.,

Respondents.

No. CIV-12-446-W

ORDER

On June 12, 2012, United States Magistrate Judge Robert E. Bacharach issued a Report and Recommendation in this matter after he preliminarily reviewed the Petition for a Writ of Habeas Corpus ("Petition") filed by petitioner Antone Lamandingo Knox pursuant to title 28, section 2241 of the United States Code, and he recommended that the Court summarily dismiss the Petition. Knox was advised of his right to object, and the matter now comes before the Court on Knox's Objection to Magistrate Judge Report and Recommendation and Motion for Reconsideration [Doc. 10].

Upon de novo review of the record, the Court concurs with Magistrate Judge Bacharach's suggested disposition of this action. In his Petition, Knox has complained that he has been involuntarily committed to the prison's mental health unit without notice and an opportunity to be heard. As Magistrate Judge Bacharach has determined, these claims relate to Knox's conditions of confinement rather than challenge the execution of Knox's sentence.

This Court cannot entertain conditions-of-confinement claims in a habeas action under section 2241 since title 42, section 1983 of the United States Code provides the

exclusive remedy for such claims. E.g., Rael v. Williams, 223 F.3d 1153, 1154 (10th Cir. 2000)(conditions-of-confinement claims must be brought in section 1983 civil rights action rather than habeas proceeding). See Knox v. Workman, No. CIV-12-260-W (W.D. Okla. April 6, 2012)(conditions of confinement claims brought by state inmate not cognizable under section 2241); Knox v. Morgan, No. CIV-10-1274-W (W.D. Okla. September 8, 2011).

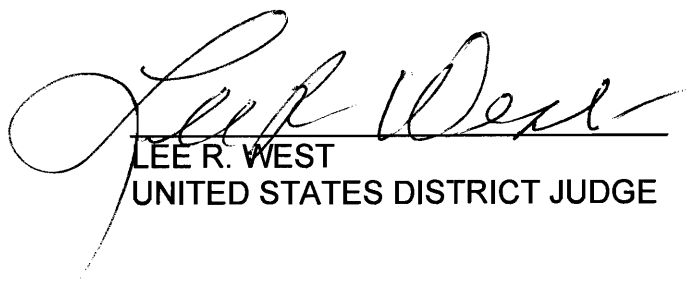
Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 9] filed on June 12, 2012;

(2) DENIES Knox's Motion for Reconsideration [Doc. 10] file-stamped June 28, 2012; and

(3) DISMISSES this matter without prejudice to refiling in an action seeking relief under section 1983, assuming the claims to be asserted are not repetitive of any claims for relief asserted in lawsuits previously filed by Knox.

ENTERED this 29th day of June, 2012.


LEE R. WEST
UNITED STATES DISTRICT JUDGE